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Notice of Allowability	Application No.	Applicant(s)	
	10/813,095	CHEN, WEN-HO	
	Examiner	Art Unit	
	Tam Nguyen	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 4 and 5.
3. ☒ The drawings filed on 31 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>Same as Allowance</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: Fig. 4

Species B: Fig. 5

Species C: Fig. 6

Species D: Fig. 7

Species E: Fig. 8

Species F: Fig. 9

Species G: Fig. 10

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if

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the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. During a telephone conversation with Ann Tsai and Wen Ho Chen on February 4, 2005 a provisional election was made without traverse to prosecute the invention of Species C: Fig. 6, the relevant claims being 4, 5, 7 and 9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-3, 6 and 8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. After further review, claims 7 and 9 are also withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species F and G respectively, there being no allowable generic or linking claim.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5. Authorization for this examiner's amendment was given in a telephone interview with Ann Tsai and Wen Ho Chen on March 4, 2005.

6. The application has been amended as follows:

In the specification:

On page 4, line 16, delete "support frame 25" and insert --support frame 23--.

On page 4, line 21, delete "receiving space 31" and insert --receiving space 30--.

In the claims:

Claims 1-3 and 6-9 are canceled.

Claim 4, line 1, delete "device of a running apparatus, comprising" and insert --device for a running apparatus, the device comprising--

Claim 4, delete all of line 2

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Claim 4, line 3, delete “at a bottom of the lifted base” and insert --at a bottom side of a lifted base of a running apparatus that is resting on a support surface;--

Claim 4, line 4, delete “fixedly attached to a middle position” and insert --pivotably attached to a middle portion--

Claim 4, delete all of line 6 and insert --a support base having two upwardly protruding cylindrical openings, each with a first diameter, being provided at a distance below the cushion seat--

Claim 4, line 7, delete “a slide rod, being disposed between” and insert --one slide rod, having an upper end and a lower end, being disposed in the cylindrical openings between--

Claim 4, line 8, delete “respectively;” insert -- respectively, the slide rod includes a member fixedly attached to said lower end wherein the member has a diameter that is larger than said cylindrical openings; and--

Claim 4, delete all of line 9 and insert --a second elastic member having a dome shape, being provided at a bottom side of the support base, has--

Claim 4, delete all of line 10 and insert --a receiving space available for the slide rod to move in and out thereof;

Claim 4, delete lines 11-13 and insert --whereby when the lifted base of the running apparatus is angularly elevated or lowered relative to the support surface, the pivotal shaft allows for the shock absorption device to maintain a substantially upright position such that an impact force on the lifted base can be mitigated more sensitively by the first and second elastic members. --

Claim 5, line 1, delete “device of” and insert --device for--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

7. In view of the applicant's amendments and after further consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose a shock absorption device for a running apparatus wherein the device comprises a support frame that

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can be attached to a bottom side of a running device, a cushion seat pivotably attached to the support frame via a pivotable shaft, a support base having a raised cylindrical openings provided below the cushion seat, at least one slide rod disposed, in said opening, between and connecting the support base and the cushion seat, a first elastic member surrounding the slide rod, a second elastic member, having a dome shape, fixedly attached to a bottom side of the support base wherein the second elastic member has at least one receiving space therein to allow the slide rod to move in and out thereof such that when the running device is angularly raised or lowered relative to a support surface, the pivotal shaft allows for the shock absorption device to maintain a substantially upright position such that impact force on the running device can be properly absorbed by the first and second elastic members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu et al. '545 disclose a similar shock absorption device for a running apparatus but the device only includes one elastic member (see Figs. 3 & 4).

Stearns et al. '928 discloses a similar shock absorption device having one elastic member and one fluid shock-absorbing component (see Figs. 5-7 and 9).

Chang '560 discloses a similar device but no pivotal shaft or dome shaped elastic member (see Figs. 14 and 15).

Pan et al. '378, Rodden '144, Dyer et al. '055, Dalebout et al. '230, Jensen et al. '155

Nerio et al. '786, Gureghian et al. '358 are representative of the prior art that discloses shock-absorption devices for exercise apparatus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F, 9-5.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 4, 2005



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